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SENATE BILL 502

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

William H. Payne

AN ACT

RELATING TO TELECOMMUNICATIONS; ENACTING THE WIRELESS TELEPHONE SERVICE ACT; PROVIDING CRITERIA FOR THE PUBLIC REGULATION COMMISSION TO DETERMINE COMPETITIVENESS REGARDING WIRELESS TELEPHONE SERVICE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. -- This act may be cited as the "Wireless Telephone Service Act."

Section 2. PURPOSE. --

A. The legislature declares that it is the policy of the state of New Mexico to permit wireless telephone service to operate in this state as authorized by the federal communications commission.

B. It is the purpose of the Wireless Telephone Service Act to permit a regulatory framework that will allow

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1 the commission to determine competitiveness regarding wireless  
2 telephone service.

3 Section 3. DEFINITION. -- As used in the Wireless Telephone  
4 Service Act, "commission" means the public regulation  
5 commission.

6 Section 4. OPERATION AND REGULATION. --

7 A. After holding hearings requested by an  
8 interested party or upon its own motion, the commission may  
9 determine that competition in wireless telephone service exists  
10 in the state or in designated areas of the state.

11 B. When the commission makes a determination that  
12 competition in wireless telephone service exists, the  
13 commission, consistent with the purpose of the Wireless  
14 Telephone Service Act, shall reduce or eliminate rules,  
15 regulations and other requirements applicable to the provision  
16 of wireless telephone service.

17 C. The provisions of the Wireless Telephone Service  
18 Act shall not be interpreted to limit the commission's  
19 authority, pursuant to Section 63-9H-6 NMSA 1978, to require  
20 verification from a telecommunications carrier that the carrier  
21 meets the eligibility criteria for participation in the state  
22 rural universal service fund.

23 Section 5. COMPLAINTS REGARDING COMPANIES THAT PROVIDE  
24 WIRELESS TELEPHONE SERVICE. --

25 A. A complaint may be filed by an interested party.

underscored material = new  
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1 The complaint shall set forth in reasonable detail an act or  
2 omission by a company that provides wireless telephone service.

3 B. A complaint shall be filed with the consumer  
4 protection division of the office of the attorney general.

5 Section 6. REPORT FROM THE OFFICE OF THE ATTORNEY  
6 GENERAL. --The office of the attorney general shall issue a  
7 report annually or when circumstances warrant, as to whether  
8 state or federal legislation is necessary with regard to  
9 wireless telephone service. If state or federal legislation is  
10 recommended by the office of the attorney general, the report  
11 shall also include an analysis of the costs and benefits of the  
12 proposed legislation. A copy of the report shall be provided  
13 to the legislature.

14 Section 7. EFFECTIVE DATE. --The effective date of the  
15 provisions of this act is July 1, 2003.

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